

NOV 22 2004

PTO/SB/21 (09-04)

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

| | |
|------------------------|--------------------|
| Application Number | 10088,831 |
| Filing Date | 02/04/2002 |
| First Named Inventor | Placks, Michael E. |
| Art Unit | 1818 |
| Examiner Name | Pryor, Alton N. |
| Attorney Docket Number | 22000(1)9711CON3 |

ENCLOSURES (Check all that apply)

| | | |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks Communication to Examiner's Telephone Message is attached. | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|--------------------|----------|--------|
| Firm Name | | | |
| Signature | | | |
| Printed name | Patricia A. Coburn | | |
| Date | 11/22/2004 | Reg. No. | 28,594 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

| | | | |
|-----------------------|---------------------------|------|------------|
| Signature | <i>Patricia A. Coburn</i> | | |
| Typed or printed name | Patricia A. Coburn | Date | 11/22/2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEE OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Appl. 10/066,831
Paper Dated 11/20/04
Response to Examiner's Telephone Call of 11/19/2004

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NOV 22 2004

PATENT

ATTORNEY DOCKET NO: 22000(I)9711CON3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|--|---------------------------|
| Applicant: Placke, Michael E., et. al. | Group No: 1618 |
| Serial No: 10/066,831 | Examiner: Pryor, Alton N. |
| Filed: 02/04/2002 | |
| For: Formulation And Methods For Treating Neoplasms by Inhalation | |

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

VIA FACSIMILE: 766-895-1111

Dear Sir:

Communication in Response to Examiner's Telephone Message

By telephone call dated November 19, 2004, Examiner Alton Pryor indicated the following:

1. The Docketing Group did not enter Applicants' Response After Final dated October 10, 2004 because it was not signed; and
2. An additional fee of \$54.00 is due in the case for additional claims.

Attached hereto is a true duplicate of the Response dated October 10, 2004 that is signed by Patricia A. Coburn, attorney of record in the above-identified application.

Applicants have reviewed the file of the above-identified application and according to our records, no additional fees are due for claims pending in this application.

Table 1 below summarizes the fees paid for claims in the above-identified application.

Appl. 1/066,831
 Paper Dated 11/20/04
 Response to Examiner's Telephone Call of 11/19/2004

Table 1.
 Summary of Claims Paid For in Application

| FORM | DATED | TOTAL CLAIMS | NO. OF INDEPENDENT CLAIMS | EXCESS CLAIMS PAID FOR | METHOD OF PAYMENT | LARGE/ SMALL ENTITY CLAIMED |
|---------------------|------------|--------------|---------------------------|------------------------|--------------------|-----------------------------|
| PTO/SI/17 (11-01) | 02-04-2002 | 23 | 1 | 3 Dependent | Credit Card charge | Large |
| PTO/SI/17 (05-03) | 07-01-2003 | 24 | 2 | 1 Dependent | Credit Card charge | Small |
| PTO/SI/17 (11-03) | 01-28-2004 | 17 | 1 | None | Check | Small |
| PTO/SI/17 (10-04;2) | 10-11-2004 | 12 | 1 | None | Check | Small |

Based on the records summarized above, Applicants do not believe that any additional fees are due in the above-identified application. However, if Applicants are in error, the USPTO is respectfully requested to provide detail of the fee that is due and Applicants will promptly pay such amount.

Respectfully submitted,

Dated: November 20, 2004

By: Patricia A. Coburn
 Patricia A. Coburn

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Appl. 10/066,831
Amdt. Dated 10/10/04
Reply to Final Office Action of 04/27/2004

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PATENT

ATTORNEY DOCKET NO: 22000(I)9711CONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|--|---------------------------|
| Applicant: Placke, Michael E., et. al. | Group No: 1618 |
| Serial No: 10/066,831 | Examiner: Pryor, Alton N. |
| Filed: 02/04/2002 | |
| For: Formulation And Methods For Treating Neoplasms by Inhalation | |

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Dear Sir:

Amendment and Response Under 37 CFR §1.116

In response to the Office Action dated April 27, 2004 and made Final, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of the claims which appear on pages 2 - 3 of this paper.

Remarks/arguments begin on page 4 of this paper.